IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2790 of 1996

Between:

1 Modipudi Ramaiah S/o.Veeraiah
R/o Gandugulapalli (V) H/o.Nagupalli, Dammapeta Mandal
Khammam Dist
2 Modipudi Veera Mohanrao S/o. Ramaiah
Gandugulapalli (V) H/o.Nagupalli, Dammapeta Mandal
Khammam Dist

..... PETITIONERS

AND

1 The District Collector, Khammam.
2 The Revenue Divisional Officer,
Paloncha, Khammam District.
3 The Mandal Revenue Officer,
Dammapeta Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly a writ in the nature of mandamus, declaring the action of the respondents in trying to dispossess the petitioners from their land in an extent of Ac.4.30 gts, in Sy.No.695/1 and Ac.4-10 gts in Sy.No.692 of Gandugulapalli (V), H/o.Nagupalli, Dammapeta Mandal, Khammam District and assign the same to the 3rd parties, as totally illegal, without jurisdiction and violative of Articles 14,21, and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners from their above said land and assign the same to the 3rd parties without due process of law and to pass such other order.

Counsel for the Petitioners: MR.S.LAKSHMA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed, seeking a writ of Mandamus, to declare the action of the respondents, in trying to dispossess the petitioners from their lands in Sy.No.695/1 admeasuring Ac.4-30 guntas and Sy.No.692 admeasuring Ac.4-10 guntas situated at Gandugulapalli Village, H/o Nagupalli, Dammapeta Mandal, Khammam District, and also trying to assign the same to the third parties, as illegal and arbitrary.

As stated in the affidavit, filed in support of the writ petition, precisely, it is the case of the petitioners that except the lands in question they are not in occupation of any other lands and are eking out their livelihood by cultivating the lands in question. It is the further case of the petitioners that though they are in possession of the lands in question from the last several years and the second respondent-Revenue Divisional Officer by the order dated 12.01.1971 has directed the third respondent-Mandal Revenue Officer, Dammapet, not to dispossess the petitioners from the lands in question, the respondents are taking steps to evict them without due process of law so as to assign the same to the third parties.

In the counter-affidavit filed on behalf of the respondents, it is stated that so far as land in Sy.No.692 is concerned, the petitioners have voluntarily surrendered an extent of Ac.4-00 guntas in the said survey number and so far as the remaining land to an extent of 10 guntas in Sy.No.962 and the land to an extent of Ac.4-30 cents in Sy.No.695/1 is concerned, the said lands are under the peaceful possession of

the petitioners only.

On behalf of the petitioners, no rejoinder is filed to the counter-affidavit filed by the respondents.

Therefore, in view of the averment made in the counter-affidavit that the petitioners are in possession of the land to an extent of Ac.4-30 cents in Sy.No.695/1 and to an extent of 10 guntas in Sy.No.692, which is unrebutted by the petitioners, I dispose of the writ petition directing the respondents not to interfere with the possession of the petitioners on the said lands, as otherwise under due process of law.

Subject to the above directions, this writ petition is disposed of. No order as to costs.

R.SUBHASH REDDY, J

31.12.2004

dr

To

1 The District Collector, Khammam.
2 The Revenue Divisional Officer,
Paloncha, Khammam District.
3 The Mandal Revenue Officer,
Dammapeta Mandal, Khammam District.

4 2CCs to Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

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